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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/007,129	EISENBERG, ALFRED	
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to communications filed 11/21/08.

Claims 1-56 are pending in this application.

Claims 55-56 are newly added in communications filed 11/21/08.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed **on 11/21/08** in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **11/21/08** has been entered.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection, as necessitated by the substantial amendments.

In the communication filed, applicant also argues in substance that:

a. Moreover, it should be noted that neither the Bruno system nor the Gudjonsson system open multiple communications channel for communications with the different servers – i.e. "a first communication channel between the video conference allocator and the instant messaging server" and "a second communication channel between the video conference allocator and the second server (remarks, pg. 13).

In response to argument [a], Examiner respectfully disagrees.

The primary reference, i.e. Gudjonsson discloses initiating a video conference between the two IM clients using the IM utility, as shown in the reproduced figure, and col. 38 L1-15.

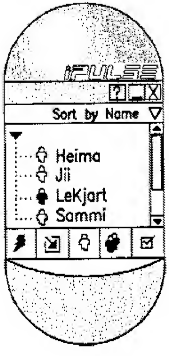

FIG. 8

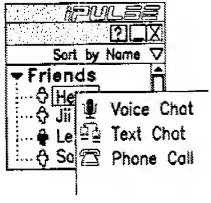

FIG. 9

In Gudjonsson, the messages **are not sent directly between users, but instead through at least one intermediate** routing service (RS) provided on a server of the users, as shown in the reproduced figure, e.g. item #2.

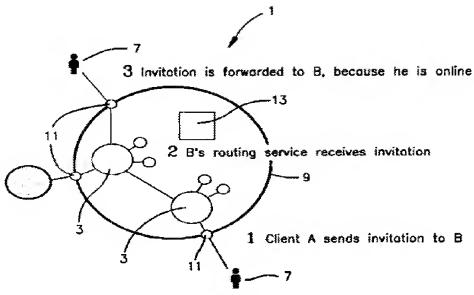

FIG. 3

In other words, when the user initiates a video conference through the IM utility, the initiation will be routed to the **routing service and/or iPulse server, i.e. IM server, of first user who initiated the invitation through a first channel**. The invitation is then routed to recipients routing service, e.g. col. 25 L5-42. The routing service **also acts as a tool** with which the user can rendezvous in any kind of session, i.e. telephone call, text chat, video conference, or the like, e.g. col. 25 L5-9.

That is, the client's invitation is routed through the first channel via the first server, i.e. IM server to the **routing service which provides a tool for videoconferencing, i.e. a possible or potential video conference allocator.**

However, Gudjonsson does not explicitly describe **the TOOL for videoconferencing.**

Bruno explicitly describes and/or discloses a TOOL for videoconferencing, e.g. fig. 2 item #400 including the second communication channel between MRSC and MCU.

b. Similarly, the MRSC of Bruno does not communicate an instant message, using an instant messaging server, to the invited client nodes to join the video conference (remarks, pg. 12).

In response to argument [a], Examiner disagrees.

Gudjonsson explicitly discloses sending an invitation to the online users through text pages, e.g. col. 13 L5-42. Also note that the instant message can be in form of voice, i.e. voice instant message.

Claim Objections

Claims 1 and 28 are objected to because of the following informalities:

Claim 1 recites "receive…from a client node…". It appears applicant intends to recite "receive...from one of the plurality of client nodes" in view of preamble.

Claim 1 also recites "the invited client nodes". It appears applicant intends to recite "the one or more invited client nodes of the plurality of client nodes".

Claim 28 recites "the plurality of client nodes" (1st limitation). It appears applicant intends to recite "a plurality of client nodes".

Claim 28 also recites "receive…from a client node…". It appears applicant intends to recite "receive...from one of the plurality of client nodes" in view of 1st limitation.

Claim 28 also recites "the invited client nodes". It appears applicant intends to recite "the one or more invited client nodes of the plurality of client nodes".

Appropriate correction is required.

For examination purposes, the recitations will be interpreted as described above.

Claim Rejections - 35 USC § 101

The 35 USC 101 rejection presented in the previous office action is withdrawn in light of response filed 11/21/08. More specifically, the rejection is withdrawn due to inclusion of one or more processors, i.e. computer processors, in the system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-54 are rejected under **35 U.S.C. 103(a)** as being unpatentable over Gudjonsson et al. (hereinafter Gudjonsson, US 6,564,261) in view of Bruno et al. (hereinafter Bruno, US 5,784,561), and further in view of Bruno et al. (hereinafter Bruno II, US 6,020,915).

As per claim 1, Gudjonsson discloses a system functionally associated with at least two client nodes (fig. 9: iPulse utility with voice, text, video and teleconferencing, col.7, lines 42-51), comprising:

one or more processors (i.e. computer system) that provide:

an instant messaging server for supporting instant messages between the plurality of client nodes (fig 2 item #3: iPulse servers, col. 9 L22-40: routing services);

a second server for supporting a video conference between plurality of clients nodes (col. 33 L49 to col. 34 L8: MCU, fig. 11: MCU and/or col. 25 L5-20: routing service acting as a tool for videoconference);

a video conference allocator for setting up and managing video conferences on a second server (col. 25 L5-20: routing service acting as a tool for videoconference), wherein the video conference allocator is configured to:

receive a request, from a client node via the instant messaging server, for a video conference (col. 25 L5-42: routing service receiving and acting as a tool for videoconference, fig. 3 item 1, 2: sending and receiving Invitations, col. 12 L55 to col. 13 L18, col. 38 L1-7), wherein the request is received over a first communication channel opened between the video conference allocator and the instant messaging server (col. 25 L5-42: receivers routing service receiving invitation from senders iPulse server and acting as a tool for videoconference), and wherein the request invites one or more pf the plurality of clients (fig. 3 item 1, 2: sending and receiving Invitations);

communicate to the invited client nodes, via the communication channel opened between the video conference allocator and the invited client node, an invitation in form of an instant to join the video conference (fig. 3 item #3 and col. 25 L5-42: Routing service acts as a tool for videoconference, col. 13 L19-42: receiving invitation in form of text page if user is online, or SMS or instant voice message).

However, Gudjonsson does not disclose the process wherein the video conference allocator is configured to: in response to receiving the request, determine conference information for the client node and the invited client nodes; initiate the video conference by transmitting the determined conference information to the second server over a second communication channel between the video conference allocator and the second server and communicate to the invited client nodes, via the first communication channel opened between the video conference allocator and the instant messaging server, an instant message to join the video conference.

Bruno discloses the process wherein the video conference allocator is configured to: in response to receiving the request, determine conference information for the client node and the invited client nodes (fig. 4 item #51000, 510002, col. 4 L5-38); initiate the video conference by transmitting the determined conference information to the second server over a second communication channel between the video conference allocator and the second server (col. 3 L56 to col. 4 L38: obtaining and configuring the MCU by transmitting the information to the MCU so that MCU can automatically dial the user for video conference).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Gudjonsson in view of Bruno in order to determine the information and communicate it to the second server.

One of ordinary skilled in the art would have been motivated because it would have enabled the MCU to automatically initiate the video conference (Bruno: col. 4 L32-38).

However, Gudjonsson in view of Bruno does not disclose the process of communicating to the invited client nodes, via the first communication channel opened between the video

conference allocator and the instant messaging server, an instant message to join the video conference.

Bruno II discloses the process of communicating to the invited client nodes, via the first communication channel opened between the video conference allocator (i.e. MRSC) an invitation message to join the video conference (col. 5 L1-15, col. 6 L5-36: sending information to the invited client nodes).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Gudjonsson and Bruno in view of Bruno in order to communicate to the invited clients via first communication channel opened between the video conference allocator and instant message server, i.e. channel between MRSC and RS, an invitation/instant message to join the video conference.

One of ordinary skilled in the art would have been motivated because it would have enabled the invited users to join and/or connect to the conference (Bruno II: col. 5 L5-9).

As per claim 2, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via the public switched telephone network (PSTN) (Gudjonsson: col.7 L35-42: PSTN network).

As per claims 3, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via cellular communication (Gudjonsson, col.3 L53-54, col. 7 L35 to col. 8 L34, col. 25 L1-20: wireless network).

As per claim 4, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via a computer (Gudjonsson: fig. 1-4, col. 7 L35-42: PC, col. 25 L1-20).

As per claim 5, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via a network gateway (Gudjonsson: fig. 2 item #1, col. 25 L1-20: wireless and/or wired users node connecting through gateway).

As per claim 6, Gudjonsson discloses the system wherein at least one of the videoconference participants participates in the videoconference via a video conferencing standard protocol (Gudjonsson, col. 12 L55 to col. 13 L18: using SIP protocol).

As per claim 7, Gudjonsson in view of Bruno does not disclose the system wherein at least one of the client nodes participates in the video conference via an ISDN protocol.

Bruno II explicitly discloses the system wherein the least one of the client nodes participates in the video conference via an ISDN protocol (col. 3 L40-64).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Gudjonsson and Bruno in view of Bruno II in order to enable video conferencing over the ISDN protocol.

One of ordinary skilled in the art would have been motivated because it would have enabled video conferencing over the ISDN network (Bruno: col. 3 L46-64).

As per claim 8, Gudjonsson-Bruno in view of Bruno II disclose the system wherein at least one of the client nodes participates in the video conference via ATM standard protocol (Bruno II: col. 3 L45 to col. 4 L46).

As per claim 9, Gudjonsson discloses the system wherein the instant messaging server contains information related to communication modes of the client nodes used to participate in the video conference (Gudjonsson: col. 13 L20-43: user preferences regarding modes and/or

notifications are stored within server or database, col. 28 L9-64, col. 32 L49 to col. 33L30, col. 35 L4-67).

As per claim 10, Gudjonsson discloses the system wherein the communication modes comprise communication via the public switched telephone network (PSTN) (col. 28 L9-64, col. 32 L61 to col. 33L30).

As per claim 11, Gudjonsson discloses the system wherein the communication modes comprises cellular communication (Gudjonsson: col. 13 L20-43: user preferences are stored within server or database, col. 28 L9-64, col. 32 L61 to col. 33L30: smart routing, col. 35 L4-67).

As per claim 12, Gudjonsson discloses the system wherein the communication modes comprises communication via a computer (Gudjonsson: col. 13 L20-43: user preferences are stored within server or database, col. 28 L9-64, col. 32 L61 to col. 33L30: smart routing, col. 35 L4-67 and fig. 3: users operating the computers).

As per claim 13, Gudjonsson discloses the system wherein the communication modes comprises communication via gateway (Gudjonsson: col. 13 L20-43: user preferences are stored within server or database, col. 28 L9-64, col. 32 L61 to col. 33L30: smart routing through GSM gateway, or voice or text, col. 35 L4-67).

As per claim 14, Gudjonsson discloses the system wherein the communication modes comprises communication via a video conferencing standard protocol (Gudjonsson: col. 13 L20-43: user preferences of forwarding the SIP invite to user if online, are stored within server or database, col. 28 L9-64, col. 32 L61 to col. 33L30: smart routing through GSM gateway, or voice or text, col. 35 L4-67).

As per claim 15, Gudjonsson and Bruno discloses the system as in claim 9 above.

However, Gudjonsson does not disclose the process wherein the communication modes comprise communication via an ISDN standard protocol.

Bruno II explicitly discloses the system wherein the least one of the client nodes participates in the video conference via an ISDN protocol (col. 3 L40-64).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Gudjonsson in view of Bruno II in order include the ISDN protocol as communication mode in the user profile.

One of ordinary skilled in the art would have been motivated because it would have enabled smart routing (Gudjonsson: col. 33 L61-67).

As per claim 16, Gudjonsson-Bruno in view of Bruno II disclose the system wherein the communication modes comprise communications via an ATM standard protocol (Bruno II: col. 3 L45 to col. 4 L46 and Gudjonsson: col. 13 L20-43: User preferences are stored within server or database, col. 28 L9-64, col. 32 L61 to col. 33L30, col. 35 L4-67).

As per claim 17, Gudjonsson discloses the system further comprising a database communicatively coupled to said instant messaging server for storing information related to the client nodes used to initiate the video conference (Gudjonsson: col.7 L 35-67, col. 28 L9-64, col. 32 L49 to col. 34 L30, col. 35 L4-67).

As per claim 18, Gudjonsson discloses the system wherein the database receives information from the IM server (Gudjonsson: fig. 8-9: User interface for entering user profile, col.7 L35-67, col. 28 L9-64, col. 32 L61-67, col. 35 L4-67).

As per claim 19, Gudjonsson disclose the system wherein the information is related to communication modes of the client nodes used to participate in the video conference Gudjonsson: fig. 8-9: User interface for entering user profile, col.7 L35-67, col. 28 L9-64, col. 32 L61-67, col. 35 L4-67).

As per claim 27, Gudjonsson-Bruno inn view of Bruno II discloses the system wherein the second server is a network video conferencing server, which supports videoconferences using a network video conferencing protocol (Gudjonsson: col. 25 L5-20: routing service acting as a video conference tool; Bruno: fig. 1 item #400; Bruno II: item #135).

As per claims 20-26 and 28-54, they do not teach or further define over the limitations in claims 1-19 and 27. Therefore, claims 20-26 and 28-54 are rejected for the same reasons as set forth in claims 1-19 and 27.

2. Claims 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al. (hereinafter Gudjonsson, US 6,564,261) in view of Bruno et al. (hereinafter Bruno, US 5,784,561), in view of Bruno et al. (hereinafter Bruno II, US 6,020,915), and further in view of Tang et al. (hereinafter Tang, US 5,793,365).

As per claim 55, Gudjonsson, Bruno and Bruno II discloses the system as in claim 1 above, further comprising the instant messaging server providing presence information of each client node regarding its capability to receive instant messages in an in instant messaging list (Gudjonsson: fig. 8, fig. 9: Friends online).

However, Gudjonsson, Bruno and Bruno II do not disclose the process wherein the video conference allocator is configured to instruct the instant messaging server to provide a presence

indicator for the video conference in the instant messaging list over the first communication channel.

Tang explicitly discloses providing a presence indicator for the video or chat conference in the instant messaging list over the communications channel (fig. 3, fig. 4, col. 8 L29- 56, col. 8 L65 to col. 9 L55: chat room icons).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Gudjonsson, Bruno and Bruno II in view of Tang in order to provide a presence indicator for the video conference in the list.

One of ordinary skilled in the art would have been motivated because it would have provided a mechanism for easily accessing the conference with point and click operations (Tang: col. 8L65 to col. 9 L5).

As per claim 56, it does not teach or further define over the limitations in claim 55. Therefore, claim 56 is rejected for the same reasons as set forth in claim 55.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Liversidge et al., Pub. No.: US 2002/0076025 A1: Method and System for Automatic Handling of Invitations to join communications session in a virtual team environment.
- Stimmel, US 6,678,719: Virtual Workplace intercommunication tool.
- Enete et al., US 2003/0208543 A1: Video Messaging.

Conclusion

Examiner's Remarks: The teachings of the prior art should not be restricted and/or limited to the citations by columns and line numbers, as specified in the rejection. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

In the case of amendments, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and support, for ascertaining the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is (571)272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KAMAL B DIVECHA/
Examiner, Art Unit 2451